

ENFIELD ZONING BOARD OF APPEALS
SPECIAL MEETING
MINUTES
WEDNESDAY, FEBRUARY 10, 2021 7:00 PM
Virtual Meeting

RECEIVED
ENFIELD TOWN CLERK
2021 APR 23 PM 3:14

Call to Order

Chairman Maurice LaRosa called the meeting to order at 7:07 p.m.

Roll Call

Commissioner Turner took the roll and present were Commissioners Maurice LaRosa, Kelly Davis, Mary Ann Turner, Andrew Urbanowicz, Charles Mastroberti and Alternate Commissioners Catherine Plopper, Robert Kwasnicki and Richard Stroiney.

Also present were Laurie Whitten, Director of Development Services; Jennifer Pacacha, Assistant Town Planner and Elizabeth Bouley, Recording Secretary.

Old Business

- a. **ZBA# 2020-12-04** – 79-81 Enfield Street & 4 Willard Avenue – Auto Location Approval application for a General Repairer's License to operate a general repairs business in an existing garage; 79-81 Enfield Street, LLC , owners and applicant; Map 035/Lot 217; BL Zone.

Commissioner Turner read the legal notice.

Attorney Carl Landolina provided the Commission with a review of the proposed project. He stated that there will be only minor repair work such as alignments and brake jobs, with no oil or fluid work. Mr. Landolina stated that the Town Attorney had addressed the Commission's twelve questions with a lengthy memo as well as a meeting. He stated that two letters from neighbors in favor of the application had been added to the file.

Mr. Landolina stated that the Connecticut Supreme Court ruling regarding statutes that give the ZBA jurisdiction over these matters came in two weeks ago. He stated that this is a good site for this use and it has been approved twice for the same use. Mr. Landolina stated that there has not been a substantial change in circumstances that would lead one to think it is not a good location for this use. He requested that the Commission approve the application.

Commissioner Turner stated that the letter from Attorney Tallberg was confusing. She asked if all of the issues such as theatres, churches, width of roads and safety are off the table now, to which Ms. Whitten replied that they were all completely removed and 14-55 has been completely repealed. She went on to explain that this means the Commission may not have a Public Hearing and may not consider those criteria in their decision.

Commissioner Turner asked if there is a 14-54, to which Ms. Whitten replied that 14-54 says the Commission is the one body that looks at the suitability of the site. She stated that if it was a new site it would be going before the Planning & Zoning Commission (PZC) but this is a site with a historical record of dealers, repairs and garage uses and has a nonconforming status so the Commission has to decide whether it is a suitable site.

Commissioner Turner asked if all of the conditions from 1966 forward are put into play. Ms. Whitten stated that any conditions, Special Use Permits and variances all still go with the site for the use they were conditioned for.

Commissioner Turner asked if there is any further information from the Fire Department. Mr. Landolina stated that the Fire Marshal and Building Inspector both have to sign off on the K7. Ms. Pacacha stated that she sent the application out to the Fire Marshal and did not get a response.

Neighboring property owner Cheryl Blythe stated that Mr. Ronen has gone above and beyond with this property. She stated that he had cleaned up the site and has done a fantastic job, and she would be glad to have him there as a business.

Chairman LaRosa asked three times if anyone in the audience would like to speak in favor or against the application; no one came forward.

Motion: Commissioner Mastroberti made a motion, seconded by Commissioner Urbanowicz, to close the Public Hearing.

The motion passed with a 5-0-0 vote.

Votes: 5-0-0

Commissioner Turner asked if it is a chain link fence as the conditions require a stockade fence. Ms. Whitten stated that it is a chain link fence. Commissioner Turner stated that the conditions on the property now should be followed along with the other items on the document. Ms. Whitten stated that if it is a Zoning Enforcement issue that is relevant to the use then they will take care of it from that. Chairman LaRosa stated that the fence would be relevant to give a buffer between them and the residential. Ms. Pacacha stated that the stockade fence was a previous condition so she will have ZEO Rachele look into it. Commissioner Turner stated that she is going to ask the Planning Office to be sure the conditions are listed as required for the motion she is about to make.

Motion: Commissioner Turner made a motion, seconded by Commissioner Mastroberti, to approve ZBA# 2020-12-04 with conditions listed on the Town Staff report applicable to this project going back to 1967, and that they be listed when she goes in to sign the K7.

The motion passed with a 5-0-0 vote.

Votes: 5-0-0

Commissioner Stroikey asked what the Supreme Court ruling that came down means in terms of the Commission's process, as the ruling states there is no Public Hearing required for a K7.

Ms. Whitten stated that hopefully the legislature will clear this up, but for the time being all location approvals must go before the ZBA. She stated that all the Commission has to look at is the suitability of the site, and the criteria as far as distance to schools, churches, theatres, intersections, etc. has been officially repealed. She concluded that the process is changed in that it is no longer a Public Hearing but

is just a Public Meeting so there is no notice. Chairman LaRosa stated that Staff no longer has to post it in the newspaper within a certain time frame.

Commissioner Stroiney asked if affected neighbors still have a chance to speak. Chairman LaRosa stated that they can, but signs will not be required to be posted so neighbors may not know it is coming.

Commissioner Urbanowicz stated that it would be a ministerial task for the Commission, so they can hear from the neighbors but cannot really consider it. Ms. Whitten stated that statutorily it is not a Public Hearing so the Commission may not take public comment.

Chairman LaRosa stated that he had a meeting with the Town Attorney and the Chairs of IWWA and PZC today. He stated that the Town Attorney is not opposed to in-house training, so he can put that together.

Ms. Whitten stated that they should sign up for the Connecticut Bar training today or tomorrow if they want to attend. Discussion took place regarding Commissioners signing up for the meeting, with the entire Commission deciding to sign up to get the book even if they cannot attend the meeting.

Adjournment

Motion: Commissioner Turner made a motion to adjourn.

The meeting was adjourned at 7:37 PM.

Prepared by: Elizabeth Bouley, Recording Secretary

Respectfully Submitted,



Mary Ann Turner, Secretary

